

**FACT SHEET FOR NPDES PERMIT WA-003081-3**  
**THE OESER COMPANY**

<b>GENERAL INFORMATION</b>	
Applicant	Mr. Ronald S. Durbin, Plant Manager (360) 734-1480
Facility Name and Address	THE OESER COMPANY 730 Marine Drive P.O. Box 156 Bellingham, WA 98227 (360) 734-1480
Type of Facility	Wood Preserving
SIC Code	2491
Discharge Location	Waterbody Name: Little Squalicum Creek (to Bellingham Bay) Outfall 002: Latitude: 48° 46' 15" N Longitude: 122° 30' 50" W Outfall 003: Latitude: 48° 46' 10" N Longitude: 122° 30' 50" W 27 acres in Section 23, Township 38N, Range 2E
Waterbody ID Number	WA-01-0050

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## INTRODUCTION

The Federal Clean Water Act (FCWA, 1972, and later modifications, 1977, 1981, and 1987) established water quality goals for the navigable (surface) waters of the United States. One of the mechanisms for achieving the goals of the Clean Water Act is the National Pollutant Discharge Elimination System of permits (NPDES permits), which is administered by the Environmental Protection Agency (EPA). The EPA has delegated responsibility to administer the NPDES permit program to the state of Washington on the basis of chapter 90.48 RCW which defines the Department of Ecology's authority and obligations in administering the wastewater discharge permit program.

The regulations adopted by the state include procedures for issuing permits (chapter 173-220 WAC), water quality criteria for surface and ground waters (chapters 173-201A and 200 WAC), and sediment management standards (chapter 173-204 WAC). These regulations require that a permit be issued before discharge of wastewater to waters of the state is allowed. The regulations also establish the basis for effluent limitations and other requirements which are to be included in the permit. One of the requirements (WAC 173-220-060) for issuing a permit under the NPDES permit program is the preparation of a draft permit and an accompanying fact sheet. Public notice of the availability of the draft permit is required at least thirty (30) days before the permit is issued (WAC 173-220-050). The fact sheet and draft permit were available for review (see Appendix A—Public Involvement of the fact sheet for more detail on the public notice procedures).

The fact sheet and draft permit have been reviewed by the Permittee. Errors and omissions identified in this review have been corrected before going to public notice. After the public comment period has closed, the Department will summarize the substantive comments and the response to each comment. The summary and response to comments will become part of the file on the permit and parties submitting comments will receive a copy of the Department's response. Comments and the resultant changes to the permit will be summarized in Appendix D—Response to Comments.

## BACKGROUND INFORMATION

### DESCRIPTION OF THE FACILITY

#### HISTORY

The Oeser Company has operated a 27-acre pressure wood treating facility at Marine Drive in Bellingham, Washington since 1942. The site was previously used for sugar beet processing by the U & I Sugar Company. The Oeser Company was permitted as Oeser Cedar Company beginning October 1974 (NPDES Permit No. WA-000210-1). The permit allowed discharge of process wastewater to the City of Bellingham Wastewater Treatment Plant (WWTP) with daily maximum limits of 100 mg/L oil and grease, and 10 mg/L total phenols. A new permit was issued June 1984 with an interim limit of total oil of 100 mg/L discharged to the Bellingham WWTP and a final requirement of achieving zero discharge. The permit required implementation of an evaporative system to eliminate discharge of process wastewater containing wood preservative substances to state ground, surface, or Bellingham WWTP waters. This zero discharge of process wastewater was achieved.

A site specific stormwater permit was issued June 30, 1993, to address contaminated stormwater that was running off the site and potentially infiltrating to ground water. The permit placed limitations on the storm water for oil and grease and pH. An interim limit of 215 µg/L pentachlorophenol (PCP) was also listed. This permit was later modified, extending the interim limits to allow Oeser more time to complete the required Best Management Practices (BMPs), stormwater treatment, and to offset the impacts of the clean-up activities conducted by the U.S. Environmental Protection Agency (EPA).

During the 1993-1998 permit cycle, Oeser paved the treated wood storage area and created a retention area for contaminated stormwater. They extended the paving in the drip pad area. The tank farm, oil delivery area, drip pads, and a central access road were previously paved. The untreated wood storage area remains unpaved.

On August 6, 1997, the EPA initiated a contaminated soil removal action at the Oeser site. Removal activities conducted from September 25, 1997, to September 8, 1998, included capping dioxin-contaminated surface soil in portions of the north and south pole yards and north treatment area, and excavation and disposal of PCP-contaminated subsurface soil in the east treatment area.

Ecology has ranked the Oeser site and Little Squalicum Creek on the Hazardous Sites List. The creek sediments are contaminated from past practices at the Oeser site. A screening level assessment of the creek was initiated by Ecology in 2003. Current stormwater treatment at the treated wood storage areas eliminates ongoing creek contamination from storm water associated with treated wood storage. Compliance with the water quality standards indicates that the sediment standards (that is, WAC 173-340) will also be met.

During the last permit cycle June 2001-June 2006, Oeser upgraded the GAC system, conducted more site paving, underwent an EPA soil remediation project, and removed the creosote storage tanks.

## INDUSTRIAL PROCESS

The major product is utility poles treated with pentachlorophenol (PCP). The facility has two non-pressure steam heated butt treating tanks for PCP and one 120-foot by 8-foot diameter cylinder for pressure treating of poles with PCP using the Boultonizing process. Boultonizing consists of heating the poles in a cylinder, while immersed in a preservative bath of a light oil with five percent PCP. A vacuum is then drawn causing water vapor to leave the wood. The vapor is condensed and discharged to an oil/water separator. The decant is recycled back through the process so there is zero discharge of process wastewater.

A coalescing plate oil/water separator in a vault was installed in late 1999 to treat storm water discharging to Outfall 002. This treatment did not significantly reduce the PCP levels in the storm water.

In August 2000, The Oeser Company installed a commercial stormwater filtration system to process storm water from the treated storage area at Outfall 002. This system consists of an oil/water separator and coalescing plate filter, an 800-gallon pump/surge tank, 10-micron followed by a 5-micron bag filters, and two Clean Environmental Concepts Granular Activated Carbon (GAC) filters. When the flow rate decreases, the top portion of the spent carbon is removed and replaced. Lignite carbon is used in the top layer because it results in better removal of dissolved solids. The spent carbon is overpacked and shipped off-site, designated as Hazardous Waste (K001) for incineration.

## DISCHARGE OUTFALLS

Outfall 001, designated in the last permit, receives storm water from the untreated wood storage area. A few years ago, Oeser began pumping the storm water out of the outfall 001 sump and onto the paved storage area. The water flows to the treatment system and out through Outfall 002. Outfall 002 receives storm water from the treated wood storage area. Outfall 002 discharges to the Cedarwood storm line that runs through the property. Outfall 003 (Cedarwood storm line) consists primarily of storm water from the Birchwood neighborhood. Outfalls 001 and 002 contribute to Outfall 003. The physical outfall at 003 is a broken pipe, side bank discharge that is difficult to sample. The compliance sampling point is at the discharge from 002, end-of-pipe, prior to any stormwater mixing from the Birchwood neighborhood. This is a truer indicator of the collected stormwater discharges from the Oeser site, prior to any mixing with other storm water. The pH compliance location is at Outfall 003, if accessible.

Outfall 003 discharges directly to Little Squalicum Creek via a side bank pipe. Little Squalicum Creek is a tributary to Bellingham Bay.

## PERMIT STATUS

The previous permit for this facility was issued on June 7, 2001, and placed effluent limitations on oil and grease, pentachlorophenol (PCP), and pH. An application for permit renewal was submitted to the Department on July 29, 2005, and accepted by the Department on November 8, 2005.

### SUMMARY OF COMPLIANCE WITH THE PREVIOUS PERMIT

The facility last received an inspection on January 17, 2006. During the history of the previous permit, the Permittee has had only two PCP exceedances, which occurred in 2001. There was one pH violation at Outfall 003 in January 2005.

The previous permit required a Dioxin/Furan Study and Acute Whole Effluent Toxicity (WET) testing. Results of the Dioxin/Furan Study were submitted in March 2002. The analyses satisfied the permit requirements. Dioxin/Furan testing is not required in this permit because of the success of the stormwater treatment system resulting in low levels of PCP in the effluent, and associated low levels or non-detect of dioxins.

Oeser passed the acute WET testing with a 2:1 dilution, which their storm water receives in the Birchwood storm drain. Half of the sampling passed with 100 percent concentration effluent, half failed. A final effluent WET test was required in the previous permit, to be conducted in the winter of 2005, to be submitted with the permit application. This test is rescheduled for fall of 2006. This permit requires further WET testing to determine if toxicity is present and if a limit is necessary.

### WASTEWATER CHARACTERIZATION

The proposed wastewater discharge is characterized for the following regulated parameters:

**Table 1: Wastewater Characterization, Pentachlorophenol in µg/L, TSS in mg/L**

Date	PCP- Outfall 002	TSS - Outfall 002
January 2004	3.4	BD
March 2004	BD	1
May 2004	2.1	2
November 2004	1.1	BD
December 2004	No qualifying storm event	No qualifying storm event
January 2005	2.9	5
February 2005	No discharge	No discharge
March 2005	BD	BD
April 2005	No discharge	No discharge
May 2005	1.4	BD
June 2005	No discharge	No discharge
July 2005	BD	4
August 2005	No discharge	No discharge
September 2005	No discharge	No discharge
October 2005	1.9	7
November 2005	8	5
December 2005	Lab error	Lab error
January 2006	Lab error	28
“BD” means below detection or no detect.		

### SEPA COMPLIANCE

This is an existing facility and is therefore not subject to SEPA requirements.

### PROPOSED PERMIT LIMITATIONS

Federal and state regulations require that effluent limitations set forth in an NPDES permit must be either technology- or water quality-based. Technology-based limitations are based upon the treatment methods available to treat specific pollutants. Technology-based limitations are set by regulation or developed on a case-by-case basis (40 CFR 125.3, and chapter 173-220 WAC). Water quality-based limitations are based upon compliance with the surface water quality standards (chapter 173-201A WAC), ground water standards (chapter 173-200 WAC), sediment quality standards (chapter 173-204 WAC) or the National Toxics Rule (Federal Register, Volume 57, No. 246, Tuesday, December 22, 1992). The more stringent of these two limits must be chosen for each of the parameters of concern.

The effluent constituents in the application were evaluated on a technology- and water quality-basis. The limits necessary to meet the rules and regulations of the state of Washington were determined and included in this permit. The Department does not develop effluent limits for all pollutants that may be reported on the application as present in the effluent. Some pollutants are not treatable at the concentrations reported, are not controllable at the source, are not listed in regulation, and do not have a reasonable potential to cause a water quality violation. If significant changes occur in any constituent, as described in 40 CFR 122.42(a), the Permittee is required to notify the Department of Ecology.

40 CFR Part 429, Subpart H for Wood Preserving – Boulton subcategory, includes wood preserving facilities which use the Boulton process as the predominant method of conditioning stock prior to treatment. Facilities using PCP for pressure treatment of wood fall within this subcategory.

#### Process Wastewater

EPA has promulgated effluent guidelines and limitations representing BPT and BAT for all wood treaters. These provisions require wood treaters to cease discharge of process wastewater pollutants into navigable waters. Contaminated stormwater associated with the retort, drip pad, and tank farm areas is considered as process wastewater. Thus, such storm waters are subject to the federal effluent guidelines which require “zero” discharge. Methods of achieving zero discharge include prevention by roofing or otherwise eliminating stormwater contact with the tank farm, retort and drip pad areas, and recycle or evaporation of collected stormwater. Oeser collects and recycles the storm water associated with the tank farm area and rail drip pad area. Process area stormwater is evaporated after oil/water separation. Evaporation of process area stormwater is subject to local air pollution control authority permits and permit conditions.

### DESIGN CRITERIA

In accordance with WAC 173-220-150 (1)(g), flows or waste loadings shall not exceed approved design criteria. The design criteria for the stormwater treatment facility was submitted in an Engineering Report. Treatment consists of a settling basin, coalescing plate filter system, bag filter system, and granular activated charcoal (GAC) treatment.

### TECHNOLOGY-BASED EFFLUENT LIMITATIONS

Technology-based effluent limits have been developed for the following pollutants found in stormwater run-off from treated wood storage areas: total suspended solids (TSS), and oil and grease. Limits on oil and grease represent the degree of effluent pollution reduction attainable by the application of best conventional pollutant control technology (BCT). Oil and grease limits reflect the effluent quality that can be obtained through the use of a properly operated and maintained oil/water separator. The technology-based effluent limitation of 10 mg/L for oil and grease is in the permit. Monitoring for total petroleum hydrocarbons (TPH) has been added because that parameter better detects the lighter petroleum hydrocarbons found in the carrier oils. The reporting limit for TPH method NWTPH-Dx is 0.25 mg/L, which is more accurate and can differentiate between different oil types.

### SURFACE WATER QUALITY-BASED EFFLUENT LIMITATIONS

In order to protect existing water quality and preserve the designated beneficial uses of Washington's surface waters, WAC 173-201A-060 states that waste discharge permits shall be conditioned such that the discharge will meet established surface water quality standards. The Washington State surface water quality standards (chapter 173-201A WAC) is a state regulation designed to protect the beneficial uses of the surface waters of the state. Surface water quality-based effluent limitations may be based on an individual waste load allocation (WLA) or on a WLA developed during a basin wide total maximum daily loading study (TMDL).

### NUMERICAL CRITERIA FOR THE PROTECTION OF AQUATIC LIFE

"Numerical" water quality criteria are numerical values set forth in the state of Washington's water quality standards for surface waters (chapter 173-201A WAC). They specify the levels of pollutants allowed in a receiving water while remaining protective of aquatic life. Numerical criteria set forth in the water quality standards are used along with chemical and physical data for the wastewater and receiving water to derive the effluent limits in the discharge permit. When surface water quality-based limits are more stringent or potentially more stringent than technology-based limitations, they must be used in a permit.

The permit limit for pentachlorophenol is based upon the acute aquatic life water quality criteria applied at the point of discharge to the Cedarwood storm drain. The point of compliance for the pH limits is Outfall 003, discharge to Little Squalicum Creek. No dilution zone in Little Squalicum Creek is provided. The use of acute criteria coupled with the first flush monitoring should result in no acute or chronic toxicity in the receiving waters.

### NARRATIVE CRITERIA

In addition to numerical criteria, "narrative" water quality criteria (WAC 173-201A-030) limit toxic, radioactive, or deleterious material concentrations below those which have the potential to adversely affect characteristic water uses, cause acute or chronic toxicity to biota, impair aesthetic values, or adversely affect human health. Narrative criteria protect the specific beneficial uses of all fresh (WAC 173-201A-130) and marine (WAC 173-201A-140) waters in the state of Washington.



#### ANTIDegradation

Washington State's Antidegradation Policy requires that discharges into a receiving water shall not further degrade the existing water quality of the water body. In cases where the natural conditions of a receiving water are of lower quality than the criteria assigned, the natural conditions shall constitute the water quality criteria. Similarly, when the natural conditions of a receiving water are of higher quality than the criteria assigned, the natural conditions shall constitute the water quality criteria. More information on the Washington State Antidegradation Policy can be obtained by referring to WAC 173-201A-070.

The Department has reviewed existing records and has determined that the ambient water quality is lower than the designated classification criteria given in chapter 173-201A WAC; therefore, the Department will use the designated classification criteria for this water body in the proposed permit. The discharges authorized by this proposed permit are not expected to cause a loss of beneficial uses or further degrade the sediments or water quality in Little Squalicum Creek.

#### MIXING ZONES

The water quality standards allow the Department of Ecology to authorize mixing zones around a point of discharge in establishing surface water quality-based effluent limits. Both "acute" and "chronic" mixing zones may be authorized for pollutants that can have a toxic effect on the aquatic environment near the point of discharge. The concentration of pollutants at the boundary of these mixing zones may not exceed the numerical criteria for that type of zone. Mixing zones can only be authorized for discharges that are receiving all known, available, and reasonable methods of prevention, control and treatment (AKART) and in accordance with other mixing zone requirements of WAC 173-201A-100.

#### DESCRIPTION OF THE RECEIVING WATER

The facility discharges to Little Squalicum Creek, tributary to Bellingham Bay. Little Squalicum Creek is designated as a Class A (excellent) receiving water in the vicinity of the outfall. Bellingham Bay is designated as Class A (excellent) marine water. Characteristic uses of a Class A water may include the following:

water supply (domestic, industrial, agricultural); stock watering; fish migration; fish rearing, spawning and harvesting; wildlife habitat; primary contact recreation; sport fishing; boating and aesthetic enjoyment; commerce and navigation. Water quality of this class shall meet or exceed the requirements for all or substantially all uses.

#### SURFACE WATER QUALITY CRITERIA

Applicable criteria are defined in chapter 173-201A WAC for aquatic biota. In addition, U.S. EPA has promulgated human health criteria for toxic pollutants (EPA 1992). Criteria for this discharge are summarized below:

Pentachlorophenol	9.0 µg/L at pH 7 (applying freshwater acute criterion)
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A determination of the discharge's potential to cause an exceedance of the water quality standards was conducted as required by 40 CFR 122.44(d). The reasonable potential determination was evaluated with procedures given in the *Technical Support Document for Water Quality-Based Toxics Control* (EPA/505/2-90-001) and the Department's *Permit Writer's Manual* (Ecology Publication 92-109, July 1994). The determination indicated that the discharger has a reasonable potential to cause a violation of water quality standards for pentachlorophenol, thus effluent limits for PCP are placed in the permit. The resultant final effluent limits is as follows:

Pentachlorophenol      Outfall 002      9 µg/L, effective at permit issuance

The stormwater treatment facility that has been installed currently treats storm water from Outfalls 001 and 002 to exceed the water quality standards.

#### WHOLE EFFLUENT TOXICITY

The water quality standards for surface waters require that the effluent not cause toxic effects in the receiving waters. Many toxic pollutants cannot be detected by commonly available detection methods. However, toxicity can be measured directly by exposing living organisms to the waste water in laboratory tests and measuring the response of the organisms. Toxicity tests measure the aggregate toxicity of the whole effluent, and therefore this approach is called whole effluent toxicity (WET) testing.

The WET tests conducted during effluent characterization in the last permit cycle indicate that no reasonable potential exists to cause receiving water acute toxicity. The Permittee will not be given an acute WET limit and will be required to retest the effluent during the fall of 2006 and January-February of 2007 in order to demonstrate that the effluent continues to pass the specified acute toxicity testing.

If the Permittee makes process or material changes which, in the Department's opinion, results in an increased potential for effluent toxicity, then the Department may require additional effluent characterization in a regulatory order, by permit modification, or in the permit renewal. Toxicity is assumed to have increased if WET testing conducted per the terms of the permit fails to meet the performance standards in WAC 173-205-020, "whole effluent toxicity performance standard." The Permittee may demonstrate to the Department that changes have not increased effluent toxicity by performing additional WET testing after the time the process or material changes have been made.

Accredited WET testing laboratories have the proper WET testing protocols, data requirements, and reporting format. Accredited laboratories are knowledgeable about WET testing and capable of calculating an NOEC, LC<sub>50</sub>, EC<sub>50</sub>, IC<sub>25</sub>, and so on. All accredited labs have been provided the most recent version of the Department of Ecology Publication No. WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*, which is referenced in the permit. Any Permittee interested in receiving a copy of this publication may call the Ecology Publications Distribution Center at (360) 407-7472 for a copy. The Department of Ecology recommends that the Permittee send a copy of the acute toxicity sections(s) of their permit to their laboratory of choice.

## HUMAN HEALTH

Washington's water quality standards now include 91 numeric health-based criteria that must be considered in NPDES permits. These criteria were promulgated for the state by the U.S. EPA in its National Toxics Rule (Federal Register, Volume 57, No. 246, Tuesday, December 22, 1992).

The Department has determined that the effluent is likely to have chemicals of concern for human health. The discharger's high priority status is based on knowledge of data or process information indicating regulated chemicals occur in the discharge.

During the last permit cycle, Oeser underwent technology-based upgrades required in their permit. Toxicity testing was completed after the upgrades were completed and Oeser passed the acute toxicity testing, with upgrades in place.

## SEDIMENT QUALITY

The Department has promulgated aquatic sediment standards (chapter 173-204 WAC) to protect aquatic biota and human health. These standards state that the Department may require Permittees to evaluate the potential for the discharge to cause a violation of applicable standards (WAC 173-204-400).

The Department has determined through a review of the discharger characteristics and effluent characteristics that this discharge has no reasonable potential to violate the sediment management standards. By meeting water quality standards, the sediment standard (that is, WAC 173-340) will also be met. If the Department determines in the future that there is a potential for violation of the sediment quality standards, an order will be issued to require the Permittee to demonstrate that either the point of discharge is not an area of deposition or, if the point of discharge is a depositional area, that there is not an accumulation of toxics in the sediments.

Past practices have contributed to sediment contamination on this site and in Little Squalicum Creek. The Oeser Company's stormwater discharge receives all known, available and reasonable methods of prevention, control, and treatment prior to discharge and has applied best management practices to reduce stormwater contamination during the last permit cycle.

## GROUND WATER QUALITY LIMITATIONS

The Department has promulgated ground water quality standards (chapter 173-200 WAC) to protect beneficial uses of ground water. Permits issued by the Department shall be conditioned in such a manner so as not to allow violations of those standards (WAC 173-200-100).

This Permittee has no discharge of stormwater from the treated wood storage areas to ground and therefore no limitations are required based on potential effects to ground water.

*COMPARISON OF EFFLUENT LIMITS WITH THE EXISTING PERMIT ISSUED June 7, 2001*

Parameter/Outfall	Existing Limits	Proposed Limits
Oil and Grease; #002	10 mg/L	10 mg/L
Pentachlorophenol; #002	9 µg/L	9 µg/L
pH; #003	Between 6 and 9 standard units	Between 6 and 9 standard units

**MONITORING REQUIREMENTS**

Monitoring, recording, and reporting are required (WAC 173-220-210 and 40 CFR 122.41) to verify that the treatment process is functioning correctly and the effluent limitations are being achieved.

The monitoring schedule is detailed in the proposed permit under Condition S2. Specified monitoring frequencies take into account the quantity and variability of the discharge, the treatment method, past compliance, significance of pollutants, and cost of monitoring.

Monitoring for TPH has been added because the results are qualitative and quantitative. TPH is a better indicator of the presence and levels of semi-volatile petroleum products in the water. The monitoring of oil and grease will be reevaluated after two years and may be deleted from the permit through a modification and replaced with a TPH limit, if indicated.

**LAB ACCREDITATION**

With the exception of certain parameters, the permit requires all monitoring data to be prepared by a laboratory registered or accredited under the provisions of chapter 173-50 WAC, *Accreditation of Environmental Laboratories*.

**OTHER PERMIT CONDITIONS**

**REPORTING AND RECORD KEEPING**

The conditions of S3 are based on the authority to specify any appropriate reporting and record keeping requirements to prevent and control waste discharges (WAC 273-220-210).

**SPILL PLAN**

The Department has determined that the Permittee stores a quantity of chemicals that have the potential to cause water pollution if accidentally released. The Department has the authority to require the Permittee to develop best management plans to prevent this accidental release under Section 402(a)(1) of the Federal Water Pollution Control Act (FWPCA) and RCW 90.48.080.

The Permittee has developed a plan for preventing the accidental release of pollutants to state waters and for minimizing damages if such a spill occurs. The proposed permit requires the Permittee to update this plan and submit it to the Department.

**OPERATIONS AND MAINTENANCE MANUAL**

In accordance with state and federal regulations, the Permittee is required to take all reasonable steps to properly operate and maintain the treatment system [40 CFR 122.41(e)] and WAC 173-220-150 (1)(g). An Operation and Maintenance Manual was submitted during the last permit cycle and updated in July 2005. Oeser is required to update the O&M Manual as needed and submit the updates to the Department.

### *ACUTE TOXICITY TESTING*

In accordance with state and federal regulations, the Permittee is required to take all reasonable steps to properly operate

### *GENERAL CONDITIONS*

General Conditions are based directly on state and federal law and regulations and have been standardized for all individual industrial NPDES permits issued by the Department.

Condition G1 requires responsible officials or their designated representatives to sign submittals to the Department. Condition G2 requires the Permittee to allow the Department to access the treatment system, production facility, and records related to the permit. Condition G3 specifies conditions for modifying, suspending, or terminating the permit. Condition G4 requires the Permittee to apply to the Department prior to increasing or varying the discharge from the levels stated in the permit application. Condition G5 requires the Permittee to construct, modify, and operate the permitted facility in accordance with approved engineering documents. Condition G6 prohibits the Permittee from using the permit as a basis for violating any laws, statutes or regulations. Conditions G7 and G8 relate to permit renewal and transfer. Condition G9 requires the Permittee to control its production in order to maintain compliance with its permit. Condition G10 prohibits the reintroduction of removed substances back into the effluent. Condition G11 states that the Department will modify or revoke and reissue the permit to conform to more stringent toxic effluent standards or prohibitions. Condition G12 incorporates by reference all other requirements of 40 CFR 122.41 and 122.42. Condition G13 notifies the Permittee that additional monitoring requirements may be established by the Department. Condition G14 requires the payment of permit fees. Condition G15 describes the penalties for violating permit conditions.

## **PERMIT ISSUANCE PROCEDURES**

### *PERMIT MODIFICATIONS*

The Department may modify this permit to impose numerical limitations, if necessary, to meet water quality standards for surface waters, sediment quality standards, or water quality standards for ground waters, based on new information obtained from sources such as inspections, effluent monitoring, outfall studies, and effluent mixing studies.

The Department may also modify this permit as a result of new or amended state or federal regulations.

### *RECOMMENDATION FOR PERMIT ISSUANCE*

This proposed permit meets all statutory requirements for authorizing a wastewater discharge, including those limitations and conditions believed necessary to control toxics, protect aquatic life, and the beneficial uses of waters of the state of Washington. The Department proposes that this proposed permit be issued for a term of five (5) years.

## REFERENCES FOR TEXT AND APPENDICES

Environmental Protection Agency (EPA)

1992. National Toxics Rule. Federal Register, V. 57, No. 246, Tuesday, December 22, 1992.

1991. Technical Support Document for Water Quality-based Toxics Control.  
EPA/505/2-90-001.

1985. Water Quality Assessment: A Screening Procedure for Toxic and Conventional  
Pollutants in Surface and Ground Water. EPA/600/6-85/002a.

1983. Water Quality Standards Handbook. USEPA Office of Water, Washington, D.C.

Tsivoglou, E. C., and J. R. Wallace.

Washington State Department of Ecology.

1994. Permit Writer's Manual. Publication Number 92-109

The Oeser Company Permit Application, submitted July 2005.

## APPENDIX A—PUBLIC INVOLVEMENT INFORMATION

The Department has tentatively determined to reissue a permit to The Oeser Company. The permit contains conditions and effluent limitations which are described in the rest of this fact sheet.

Public Notice of Application (PNOA) was published on November 10 and 17, 2005, in *The Bellingham Herald*, a daily newspaper, to inform the public that an application had been submitted and to invite comment on the reissuance of this permit.

The Department published a Public Notice of Draft (PNOD) on XXXX 2006, in *The Bellingham Herald* to inform the public that a draft permit and fact sheet were available for review. Interested persons were invited to submit written comments regarding the draft permit. The draft permit, fact sheet, and related documents were available for inspection and copying between the hours of 8:00 a.m. and 5:00 p.m. weekdays, by appointment, at the regional office listed below.

Water Quality Permit Coordinator  
Department of Ecology  
Northwest Regional Office  
3190 - 160<sup>th</sup> Avenue SE  
Bellevue, WA 98008-5452

Interested parties commented on the draft permit within the sixty (60)-day comment period to the address above. There was no request for a public hearing. The Department considered all the comments received within the sixty (60)-days from the date of public notice of draft indicated above, in formulating a final determination to issue, revise, or deny the permit. The Department's response to all significant comments is available upon request and will be mailed directly to people expressing an interest in this permit.

Further information may be obtained from the Department by telephone, (425) 647-7000, or by writing to the address listed above.

This permit and fact sheet were written by Lori LeVander.

## APPENDIX B—GLOSSARY

**Acute Toxicity**—The lethal effect of a compound on an organism that occurs in a short period of time, usually 48 to 96 hours.

**AKART**—An acronym for “all known, available, and reasonable methods of treatment.”

**Ambient Water Quality**—The existing environmental condition of the water in a receiving water body.

**Average Monthly Discharge Limitation**—The average of the measured values obtained over a calendar month's time.

**Best Management Practices (BMPs)**—Schedules of activities, prohibitions of practices, maintenance procedures, and other physical, structural, and/or managerial practices to prevent or reduce the pollution of waters of the state. BMPs include treatment systems, operating procedures, and practices to control: plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. BMPs may be further categorized as operational, source control, erosion and sediment control, and treatment BMPs.

**Bypass**—The intentional diversion of waste streams from any portion of a treatment facility.

**Chronic Toxicity**—The effect of a compound on an organism over a relatively long time, often 1/10 of an organism's life span or more. Chronic toxicity can measure survival, reproduction or growth rates, or other parameters to measure the toxic effects of a compound or combination of compounds.

**Clean Water Act (CWA)**—The Federal Water Pollution Control Act enacted by Public Law 92-500, as amended by Public Laws 95-217, 95-576, 96-483, 97-117; USC 1251 et seq.

**Compliance Inspection - Without Sampling**—A site visit for the purpose of determining the compliance of a facility with the terms and conditions of its permit or with applicable statutes and regulations.

**Compliance Inspection - With Sampling**—A site visit to accomplish the purpose of a Compliance Inspection - Without Sampling and as a minimum, sampling and analysis for all parameters with limits in the permit to ascertain compliance with those limits; and, for municipal facilities, sampling of influent to ascertain compliance with the 85 percent removal requirement. Additional sampling may be conducted.

**Composite Sample**—A mixture of grab samples collected at the same sampling point at different times, formed either by continuous sampling or by mixing discrete samples. May be "time-composite" (collected at constant time intervals) or "flow-proportional" (collected either as a constant sample volume at time intervals proportional to stream flow, or collected by increasing the volume of each aliquot as the flow increased while maintaining a constant time interval between the aliquots).

**Construction Activity**—Clearing, grading, excavation, and any other activity which disturbs the surface of the land. Such activities may include road building; construction of residential houses, office buildings, or industrial buildings; and demolition activity.



**Critical Condition**—The time during which the combination of receiving water and waste discharge conditions have the highest potential for causing toxicity in the receiving water environment. This situation usually occurs when the flow within a water body is low, thus, its ability to dilute effluent is reduced.

**Dilution Factor**—A measure of the amount of mixing of effluent and receiving water that occurs at the boundary of the mixing zone. Expressed as the inverse of the percent effluent fraction, for example, a dilution factor of 10 means the effluent comprises 10 percent by volume and the receiving water 90 percent.

**Engineering Report**—A document which thoroughly examines the engineering and administrative aspects of a particular domestic or industrial wastewater facility. The report shall contain the appropriate information required in WAC 173-240-060 or 173-240-130.

**Grab Sample**—A single sample or measurement taken at a specific time or over as short period of time as is feasible.

**Industrial Wastewater**—Water or liquid-carried waste from industrial or commercial processes, as distinct from domestic wastewater. These wastes may result from any process or activity of industry, manufacture, trade or business; from the development of any natural resource; or from animal operations such as feed lots, poultry houses, or dairies. The term includes contaminated storm water and, also, leachate from solid waste facilities.

**Maximum Daily Discharge Limitation**—The highest allowable daily discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. The daily discharge is calculated as the average measurement of the pollutant over the day.

**Method Detection Level (MDL)**—The minimum concentration of a substance that can be measured and reported with 99 percent confidence that the analyte concentration is above zero and is determined from analysis of a sample in a given matrix containing the analyte.

**Mixing Zone**—An area that surrounds an effluent discharge within which water quality criteria may be exceeded. The area of the authorized mixing zone is specified in a facility's permit and follows procedures outlined in state regulations (chapter 173-201A WAC).

**National Pollutant Discharge Elimination System (NPDES)**—The NPDES (Section 402 of the Clean Water Act) is the federal wastewater permitting system for discharges to navigable waters of the United States. Many states, including the state of Washington, have been delegated the authority to issue these permits. NPDES permits issued by Washington State permit writers are joint NPDES/State permits issued under both state and federal laws.

**pH**—The pH of a liquid measures its acidity or alkalinity. A pH of 7 is defined as neutral, and large variations above or below this value are considered harmful to most aquatic life.

**Quantitation Level (QL)**—A calculated value five times the MDL (method detection level).

**Responsible Corporate Officer**—A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures (40 CFR 122.22).

**Technology-based Effluent Limit**—A permit limit that is based on the ability of a treatment method to reduce the pollutant.

**Total Suspended Solids (TSS)**—Total suspended solids is the particulate material in an effluent. Large quantities of TSS discharged to a receiving water may result in solids accumulation. Apart from any toxic effects attributable to substances leached out by water, suspended solids may kill fish, shellfish, and other aquatic organisms by causing abrasive injuries and by clogging the gills and respiratory passages of various aquatic fauna. Indirectly, suspended solids can screen out light and can promote and maintain the development of noxious conditions through oxygen depletion.

**State Waters**—Lakes, rivers, ponds, streams, inland waters, underground waters, salt waters, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

**Storm Water**—That portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, pipes, and other features of a storm water drainage system into a defined surface water body or a constructed infiltration facility.

**Upset**—An exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, lack of preventative maintenance, or careless or improper operation.

**Water Quality-based Effluent Limit**—A limit on the concentration of an effluent parameter that is intended to prevent the concentration of that parameter from exceeding its water quality criterion after it is discharged into a receiving water.

**APPENDIX C—MAPS**

**APPENDIX D—RESPONSE TO COMMENTS**